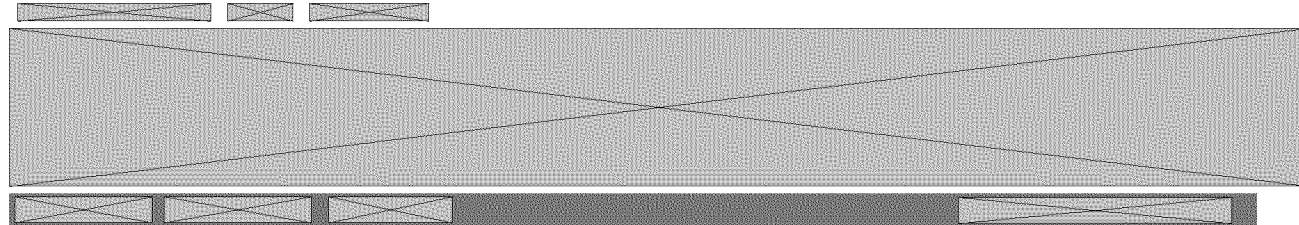


To: Tyler, Patti[Tyler.Patti@epa.gov]
From: BNA Highlights
Sent: Thur 8/20/2015 1:44:52 AM
Subject: Aug 20 -- BNA, Inc. Daily Environment Report

Manage your [email subscriptions](#)

Email not displaying correctly? [View publication in your browser.](#)



The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Shari Clayman at clayman.shari@epa.gov, 202-566-2370.

August 20, 2015 - Number 161

MY HEADLINES

12 Senators Seek SEC Review of Offshore Drilling Risk Disclosures

Twelve senators opposed to offshore oil and gas drilling sent a letter Aug. 18 to the Securities and Exchange Commission asking the agency to review the risk disclosures of companies engaged in drilling on the Outer Continental Shelf.

(Topic: oil and gas)

Advisory Finally Lifted for Tennessee Creek Segment

A water contact advisory for 1.8 miles of Oostanaula Creek in Athens, Tenn., in place for more than 30 years, has been lifted. In an Aug. 17 announcement, the Tennessee Department of Environment and Conservation said the advisory was posted in 1984 due to bacterial contamination blamed on inadequately treated effluent from the Athens wastewater treatment plant, urban stormwater runoff, "chronic" collection system overflows and a high concentration of livestock upstream. The TDEC ...

(Topic: water pollution)

Animas Spill Highlights Quest for Good Samaritan Bill

The Environmental Protection Agency's accidental spill of historic mining waste into the Animas River could improve chances for the passage of a bill in Congress to encourage good Samaritans to clean up abandoned mines, Sen. Michael Bennet (D-Colo.) said.

(Topic: environmental legislation; Topic: water pollution; Agency: Environmental Protection Agency)

Antarctic Ice Melt Predictions Covered in Study

Antarctic ice melt could raise global sea levels by as much as 20 centimeters by the end of the century—enough to fill the Caspian Sea—and by close to 50 centimeters by 2200 under a worst-case scenario calculated by researchers using high-tech modeling.

(Topic: climate change)

Asphalt Oil Maker to Pay for Clean Water Act Violations

A Missouri manufacturer of asphalt oil will pay more than \$200,000 to resolve charges that it violated the Clean Water Act and the Emergency Planning and Community Right-to-Know Act at a facility located next to the Eleven Point River in southern Missouri, the Environmental Protection Agency said.

(Topic: wastewater; Topic: water pollution; Agency: Environmental Protection Agency)

Sergio Marchionne had a funny thing to say about the \$32,500 battery-powered Fiat 500. **Federal Appeals Court Halts Lawsuits Over Power Plant Startup**
(Topic: air pollution; Topic: climate change; Agency: Environmental Protection Agency)
The U.S. Court of Appeals for the District of Columbia Circuit halts a pair of lawsuits over power plant startup provisions included in the mercury and air toxics standards, pending a decision on whether those standards should remain in place. The court grants motions to govern further proceedings filed by the EPA which asked the court to continue to hold the two lawsuits in abeyance until a decision is issued in the initial MATS litigation, because that decision may have an impact on the startup lawsuits. [More »](#)

Cheap Oil's Making It Tough for Ethanol to Pay the Bills

Cheap crude oil may make it hard for ethanol companies to pay their bills on time. (Low levels of neonicotinoid insecticides were found in almost two-thirds of streams tested by U.S. Geological Survey researchers, according to a new USGS study. The findings reflect how widespread the use of the class of insecticides—produced and sold by Bayer CropScience, Syngenta, and other agrochemical companies—is in both agricultural and residential settings. According to the USGS, this is the first nationwide study looking at the prevalence of neonicotinoids in water. [More »](#))
(Topic: oil and gas; Topic: water pollution; Agency: Environmental Protection Agency) [More »](#)

Dozen Senators Seek SEC Review of Offshore Drilling Risk

Consolidation Denied in Clean Power Plan Lawsuits
Twelve senators opposed to offshore oil and gas drilling write the Securities and Exchange Commission asking the agency to review the risk disclosures of companies engaged in drilling on the Outer Continental Shelf. The senators, including 11 Democrats and Bernie Sanders (I-Vt.), were following the lead of three House Democrats who sent a similar letter to the SEC last month. [More »](#)
(Topic: air pollution; Topic: climate change; State: South Dakota; State: Wyoming)

D.C. Circuit Halts Power Plant Startup Lawsuits

A federal appeals court denies an emergency motion from 15 states seeking to consolidate their legal challenge to the EPA's Clean Power Plan with other pending appeals. But the states filed by West Virginia will still be able to pursue their lawsuit seeking a stay to block implementation of the carbon dioxide emissions standards for power plants. They want the D.C. Circuit to halt implementation of the Clean Power Plan even before the rule is published in the Federal Register because the rule imposes an immediate requirement on state regulators to begin work on a compliance plan. [More »](#)
(Topic: air pollution; Topic: climate change; State: South Dakota; State: Wyoming)

EPA Says Washington, D.C., Seven Other Areas Should Get Ozone
Concentrations of perfluorooctanoic acid (PFOA) found in water systems serving 6.5 million Americans are harmful even though they are below a federal advisory level, according to a report the Environmental Working Group will release Aug. 26.

(The EPA is proposing to grant eight nonattainment areas, including the Washington, D.C., and Houston metropolitan areas, an additional year to meet the current national ambient air quality standards for ozone. The agency says the eight areas met the qualifications for such an extension based on 2014 air quality data. The EPA in a proposed rule also would determine that 17 marginal nonattainment areas have met the 2008 ozone standards of 75 parts per billion, while 11 areas have not attained the standards. [More »](#))
(Topic: air pollution; Agency: Environmental Protection Agency)

Environmentalist Snaps Up Mines to Sell Coal With Carbon Credits

From Planting Trees
The last of six Freedom Industries executives charged with triggering a 10-day drinking water crisis for 300,000 residents in West Virginia pleaded guilty in federal court to three pollution charges. Gary Southern, president of Freedom Industries in January 2014 when a chemical spill contaminated the Elk River, pleads guilty to violating the Clean Water Act, negligently discharging refuse matter in violation of the federal Refuse Act and failing to have a pollution prevention plan, as required by the company's National Pollution Discharge Elimination System permit. And Dennis Farrell, a former Freedom Industries president and owner, pleads guilty to violating the Refuse Act and failing to have a pollution prevention plan. [More »](#)
(Topic: air pollution; Topic: climate change)
The Colorado Court of Appeals sends challenges by the oil and gas industry of two local government hydraulic fracturing bans directly to the state Supreme Court for review. In a nine-page order, the state appellate court says the Colorado Oil and

HIGHLIGHTS

[Lawsuit Seeks Damages, Claims Against Norfolk CSX](#)

World Safety, a New York City and CSX Transportation Inc. aren't liable for negligence in the derailment of a train carrying toxic cargo in Paulsboro, N.J., because neither company owned the train that derailed, employed the crew of operated the bridge the train was crossing when it derailed. The U.S. District Court for the District of New Jersey has said in re Paulsboro Derailment Cases, 2016 D.C. No. 16-71, D. N.J., No. 1:15-cv-784, unpublished opinion, 8/18/16.
Topic: water pollution

[Lawsuit Seeks EPA Carbon Monoxide Review Documents](#)

The Public Employees for Environmental Responsibility sued the Environmental Protection Agency's Office of Inspector General for failure to release documents related to a review of carbon monoxide exposure studies (Pub. Emps. for Envt. Responsibility v. EPA Office of Inspector General, D.D.C., No. 1:16-cv-1342, 8/18/16). The organization, a nonprofit association of local, state and federal scientists, and managers and other professionals, requested and has not received records on the agency's Environmental Protection Agency.

[Sealant Maker Fined \\$10M for Discharges](#)

An asphalt sealant manufacturer in Atlanta faces a \$10 million fine for water pollution violations, but a full site cleanup is more likely to result from a related lawsuit still pending against the property owner, according to the plaintiff, Chattahoochee Riverkeeper (Chattahoochee Riverkeeper v. Ami Sealcoat Mfg., N.D. Ga., No. 1:14-cv-02459, judgment 8/13/16).
Topic: wastewater Topic: water pollution

[Study: China's Carbon Emissions Lower Than Thought](#)

China's carbon emissions since the turn of the century were significantly lower than estimated by international organizations, the journal Nature reported Aug. 19, basing its finding in large part on a closer scrutiny of the type of coal burned across China.
Topic: air pollution Topic: climate change

[Two More Executives Plead Guilty in Elk River Spill](#)

The last of six executives involved was charged with conspiring a 10-day drinking water crisis for 300,000 residents in West Virginia pleaded guilty Aug. 19 in federal court to those pollution charges (United States v. Parrell, S.D. W. Va., No. 15-143, 15-00264, plea entered 8/19/16).
Topic: water pollution

[USGS Finds Low Levels of Neonic in Numerous Waterways](#)

Low levels of neonicotinoid insecticides were found in almost two-thirds of streams tested by U.S. Geological Survey researchers, according to a USGS study published online Aug. 18 in the Journal Environmental Chemistry.
Topic: water pollution

[Yucca Would Have Small Impact on Groundwater, NRC Says](#)

The proposed nuclear repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain would have a small impact on local groundwater, a nuclear regulatory Commission analysis found.
Topic: water pollution

[Provisions](#)

[USGS Finds Low Levels of Neonicotinoids in Waterways Nationwide](#)

[Disclosures](#)

[15 States Denied in Bid to Consolidate Clean Power Plan Lawsuits](#)

[Extension](#)

[Two More Executives Plead Guilty in West Virginia Elk River Spill](#)

[Fracking Ban Cases Sent Directly to Colorado Supreme Court](#)

Gas Association's lawsuits against fracking bans approved by Longmont and Fort Collins involve "an important state question which has not been, but should be, determined by the Supreme Court" of Colorado. Longmont and Fort Collins appealed lower district court rulings that their citizen-approved bans on fracking and other drilling activity were preempted by state law. [More »](#)

With Carson's Tour, Colorado Mine Spill Seeps Into Presidential Race

The spill of 3 million gallons of metals and sediment into Colorado's Animas River enters the presidential race conversation, as Republican contender Ben Carson tours the site and promises "a different kind" of EPA if he becomes president. The retired neurosurgeon tells a crowd in Durango, Colo., the EPA should be held responsible for causing the Aug. 5 release from the Gold King Mine near Silverton, Colo., and vows to radically revamp the agency if elected president. [More »](#)

Drinking Water Levels of Perfluorooctanoic Acid Unsafe, Group Says

Concentrations of perfluorooctanoic acid (PFOA) in water systems serving 6.5 million Americans are harmful even though they are below a federal advisory level, according to a report the Environmental Working Group will release today. The group is publishing its report less than a month before DuPont faces a personal injury trial that involves one of 3,500 lawsuits filed by people who claim to have developed various diseases as a result of drinking water that was contaminated by PFOA. [More »](#)

Researchers Substantially Lower Estimate of China's Carbon Emissions

China's carbon emissions since the turn of the century were significantly lower than estimated, the journal Nature reports. Scientists based their finding in large part on a closer look at emissions from the type of coal regularly burned in China. The report says carbon emissions from China, the world's largest carbon emitter, have been overestimated by 2.9 billion metric tons during the 13-year span studied, between 2000 and 2013. Nature.com called that "larger than the estimated amount of carbon that the world's forests pulled out of the atmosphere from 1990 to 2007." The report estimated that China's carbon emissions for the year 2013 alone could be 14 percent lower than previously estimated. [More »](#)

Researchers Model Scenarios to Understand Antarctic Ice Melt

Antarctic ice melt could raise global sea levels by as much as 20 centimeters by the end of the century—enough to fill the Caspian Sea—and by close to 50 centimeters by 2200 under a worst-case scenario calculated by researchers using high-tech modeling. [More »](#)

SPECIAL REPORT

FUEL EFFICIENCY:

State leaders in California pursuing zero-emission-vehicle quotas and related legislation want to influence the next 20 years of transportation technology worldwide and inspire other states and counties to take climate change action. [More »](#)

ALSO IN THE NEWS

RADIOACTIVE WASTE:

The proposed nuclear repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain would have a small impact on local groundwater, a Nuclear Regulatory Commission analysis finds. [More »](#)

HAZMAT TRANSPORT:

Norfolk Southern Railway Co. and CSX Transportation Inc. aren't liable for negligence in the derailment of a train carrying toxic cargo in Paulsboro, N.J., because neither company owned the train that derailed, employed the crew or operated the bridge the train was crossing when it derailed, a federal court rules.

[More »](#)

WATER RESOURCES:

Evaluation of water intake options for a proposed desalination plant in Orange County, Calif., appears to support a plan by the company developing the project to use existing pipes from an old power plant to withdraw seawater. [More »](#)

Table of Contents

NEWS

AIR POLLUTION

D.C. Circuit halts power plant startup lawsuits [A-1](#)

Eight areas should get ozone extension, EPA finds [A-10](#)

Lawsuit seeks EPA carbon monoxide review documents [A-18](#)

CLIMATE CHANGE

Antarctic ice melt predictions covered in study [A-5](#)

Study says China's carbon emissions lower than thought [A-3](#)

CLIMATE REGULATION

Consolidation denied in Clean Power Plan lawsuits [A-8](#)

COAL MINING

Environmentalist snaps up mines to sell coal with carbon credits from planting trees [A-4](#)

DRINKING WATER

Drinking water levels of PFOA unsafe, group says [A-14](#)

ELECTIONS

Colorado mine spill seeps into presidential race [A-1](#)

ENFORCEMENT

Two more executives plead guilty in Elk River spill [A-12](#)

HAZMAT TRANSPORT

Judge rejects negligence claims against Norfolk, CSX [A-6](#)

HYDRAULIC FRACTURING

Fracking ban cases sent to Colorado Supreme Court [A-16](#)

OIL & GAS

12 senators seek SEC review of offshore drilling risk disclosures [A-5](#)

PESTICIDES

USGS finds low levels of neonics in numerous waterways [A-8](#)

RADIOACTIVE WASTE

Yucca facility would have small impact on groundwater, NRC says [A-9](#)

REGULATORY POLICY

California PUC considers expanding public record access [A-2](#)

RENEWABLE ENERGY

China sees consolidation of solar companies [A-18](#)

SkyPower lines up \$12 billion in deals for solar power [A-16](#)

Solar developers benefitting from crowdfunding in China [A-15](#)

Wind turbine makers become top stock performers as growth surges [A-12](#)

TRADE

Chinese solar-panel maker loses EU duty exemption [A-14](#)

VEHICLE FUELS

Cheap oil's making it tough for ethanol to pay the bills [A-7](#)

WATER POLLUTION

Advisory finally lifted for Tennessee creek segment [A-18](#)

Animas River spill highlights quest for good Samaritan bill [A-13](#)

Asphalt oil maker to pay for Clean Water Act violations [A-11](#)

Pavement sealant maker fined \$10 million for discharges [A-9](#)

WATER RESOURCES

Plan for Calif. desalination plant called 'feasible' [A-6](#)

SPECIAL REPORT

FUEL EFFICIENCY

California has a plan to end the auto industry as we know it [B-1](#)

REGULATORY AGENDA

COMMENT DEADLINES

Due dates for comments on pending rules and other actions [D-5](#)

AUGUST 20 FEDERAL REGISTER

Entries from today's table of contents [D-1](#)

AUGUST 19 FEDERAL REGISTER

Previous day's entries with page citations [D-3](#)

TABLE OF CASES

Chattahoochee Riverkeeper v. Am. Sealcoat Mfg. (N.D. Ga.) [A-9](#)

Colo. Oil and Gas Ass'n v. Fort Collins (Colo. Ct. App.) [A-16](#)

Colo. Oil and Gas Ass'n v. Longmont (Colo. Ct. App.) [A-16](#)

E. I. DuPont De Nemours & Co., In re (S.D. Ohio) [A-14](#)

In re Paulsboro Derailment Cases (D. N.J.) [A-6](#)

In re West Virginia (D.C. Cir.) [A-8](#)

Michigan v. EPA (U.S.) [A-1](#)

Pub. Emp. for Envtl. Responsibility v. EPA Office of Inspector General (D.D.C.) [A-18](#)

United States v. Farrell (S.D. W.Va.) [A-12](#)

Util. Air Regulatory Grp. v. EPA (D.C. Cir.) [A-1](#)

White Stallion Energy Ctr. v. EPA (D.C. Cir.) [A-1](#)

Documents Available

Copies of documents referenced in this issue are available for a fee (\$27 for up to 200 pages) from Research & Custom Solutions. To order, call 800 372-1033; fax 703 341-1643; or e-mail research@bna.com.

View Recent Articles By:

[Agencies](#)

[States](#)

[Courts](#)

[International
Organizations](#)

[Federal Statutes](#)

[Cases Reported](#)

Key Features:

[Special Reports](#)

[Regulatory Agenda](#)

[Congress.gov](#)

[Comment Deadlines](#)

[PDF Archives](#)

Daily Environment Report

[View Our Full Subscription List](#) | [Contact Us](#) | [Privacy Policy](#)

1801 South Bell Street, Arlington, VA 22202

© 2015 The McGraw-Hill Companies, Inc.